

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GERALD BUSHMAKER,

Plaintiffs,

v.

A. W. CHESTERTON COMPANY and
RAPID AMERICAN CORPORATION,

Defendants.

SPECIAL VERDICT

09-cv-726-slc

We, the jury, duly impaneled in the above-entitled action, and sworn to try the issues therein,
find as follows:

(1) Was significant occupational exposure to asbestos fibers a cause of Gerald Bushmaker's
lung cancer?

ANSWER: _____
(Yes or No)

*If you answered Question (1) "Yes," then answer Question (2). If you answered Question (1)
"No," then do not answer any more questions and go to the End of the Verdict Form.*

QUESTIONS PERTAINING TO THE PHILIP CAREY MANUFACTURING COMPANY

(2) Did Gerald Bushmaker have significant occupational exposure to asbestos fibers from
products that were manufactured by The Philip Carey Manufacturing Company before June 1, 1967?

ANSWER: _____
(Yes or No)

*If you answered Question (2) "Yes," then answer Question (3). If you answered Question (2)
"No," then do not answer any more questions and go to the End of the Verdict Form.*

NEGLIGENCE

(3) Was the Philip Carey Manufacturing Company negligent with respect to the design or manufacture of the asbestos-containing products to which Gerald Bushmaker was exposed?

ANSWER: _____
(Yes or No)

If you answered Question (3) "Yes," then answer Question (4). If you answered Question (3) "No," then do not answer Question (4) and go to Question (5).

(4) Was such negligence of The Philip Carey Manufacturing Company a cause of Gerald Bushmaker's lung cancer?

ANSWER: _____
(Yes or No)

No matter how you answered Question (4), you must answer Question (5):

STRICT LIABILITY

(5) When they left the possession of The Philip Carey Manufacturing Company, were the asbestos-containing products to which Gerald Bushmaker was exposed in such a defective condition so as to be unreasonably dangerous?

ANSWER: _____
(Yes or No)

If you answered Question (5) "Yes," then answer Question (6). If you answered Question (5) "No," then do not answer Question (6) and go to Question (7).

(6) Was the defective and unreasonably dangerous condition of the asbestos-containing products supplied by The Philip Carey Manufacturing Company a cause of Gerald Bushmaker's lung cancer?

ANSWER: _____
(Yes or No)

No matter how you answered question (6), you must answer Question (7):

QUESTIONS PERTAINING TO THE A.W. CHESTERTON COMPANY

(7) Did Gerald Bushmaker have significant occupational exposure to asbestos fibers from products that were manufactured by the A.W. Chesterton Company?

ANSWER: _____
(Yes or No)

If you answered Question (7) "Yes," then answer Question (8). If you answered Question (7) "No," then do not answer any more questions in this section pertaining to A.W. Chesterton and go to Question (12).

NEGLIGENCE

(8) Was the A.W. Chesterton Company negligent with respect to the design or manufacture of the asbestos-containing products to which Gerald Bushmaker was exposed?

ANSWER: _____
(Yes or No)

If you answered Question (8) "Yes," then answer Question (9). If you answered Question (8) "No," then do not answer Question (9) and go to Question (10).

(9) Was such negligence of the A.W. Chesterton Company a cause of Gerald Bushmaker's lung cancer?

ANSWER: _____
(Yes or No)

No matter how you answered Question (9), you must answer Question (10):

STRICT LIABILITY

(10) When they left the possession of the A.W. Chesterton Company, were the asbestos-containing products to which Gerald Bushmaker was exposed in such a defective condition so as to be unreasonably dangerous?

ANSWER: _____
(Yes or No)

If you answered Question (10) "Yes," then answer Question (11). If you answered Question (10) "No," then do not answer Question (11) and skip to Question (12).

(11) Was the defective and unreasonably dangerous condition of the asbestos-containing products supplied by the A.W. Chesterton Company a cause of Gerald Bushmaker's lung cancer?

ANSWER: _____
(Yes or No)

No matter how you answered Question (11), you must answer Question (12):

QUESTIONS PERTAINING TO CONSOLIDATED PAPERS

(12) Did Consolidated Papers fail to provide Gerald Bushmaker with employment as safe as the nature of his employment would reasonably permit?

ANSWER: _____
(Yes or No)

If you answered Question (12) "Yes," then answer Question (13). If you answered Question (12) "No," then do not answer Question (13) and go to Question (14).

(13) Was the failure of Consolidated Papers to provide a safe place of employment for Gerald Bushmaker a cause of his lung cancer?

ANSWER: _____
(Yes or No)

No matter how you answered Question (13), you must answer Question (14):

QUESTIONS PERTAINING TO GERALD BUSHMAKER

(14) Was the plaintiff, Gerald Bushmaker, negligent with respect to his own safety?

ANSWER: _____
(Yes or No)

If you answered Question (14) "Yes," then answer Question (15). If you answered Question (14) "No," then do not answer Question (15) and go to Question (16).

(15) Was the negligence of Gerald Bushmaker a cause of his lung cancer?

ANSWER: _____
(Yes or No)

COMPARISON OF FAULT

Question (16) asks you to determine the percentage of responsibility that entity or person has for Gerald Bushmaker's cancer.

If you answered "Yes" to Question (4) or Question (6), then put in a percentage for the Philip Carey Company.

If you answered "Yes" to Question (9) or Question (11), then put in a percentage for the The A.W. Chesterton Company.

If you answered "Yes" to Question (13), then put in a percentage for Consolidated Papers.

If you answered "Yes" to Question (15), then put in a percentage for Gerald Bushmaker.

(16) Assuming total conduct causing Gerald Bushmaker's lung cancer to be 100 percent, what percentage, if any, do you attribute to:

- (a) The Philip Carey Manufacturing Company _____%
- (b) The A.W. Chesterton Company. _____%
- (c) Consolidated Papers _____%
- (d) Gerald Bushmaker. _____%

TOTAL: 100%

QUESTION PERTAINING TO DAMAGES

Answer Question 17 only if you have answered "Yes" to Question (4) or Question (6):

(17) What sum of money will fairly and reasonably compensate Gerald Bushmaker with respect to the following:

- (a) Past pain, suffering and disability: \$ _____
- (b) Past health care expenses: \$ _____
- (c) Future pain, suffering and disability: \$ _____
- (d) Future health care expenses: \$ _____
- (e) Emotional Distress: \$ _____

END OF THE VERDICT FORM

When you have answered the Question(s) as instructed, then the presiding juror will sign and date this verdict form below, then you will alert the bailiff and all of you will return with your verdict into the courtroom.

Presiding Juror

Date: _____

Madison, Wisconsin